

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR 115-018
)
 MARREO MONTEOUS RUFF)

ORDER

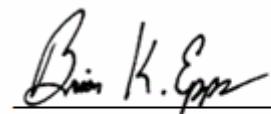
Defendant Marreo Monteous Ruff is presently awaiting trial on charges brought against him in an indictment filed on February 5, 2015. (See doc. no. 1.) Defendant originally requested and received court-appointed counsel. (See doc. nos. 9, 13.) On March 16, 2015, court-appointed counsel requested an extension of time to file pretrial motions because of the voluminous discovery in the case and because Defendant had been reluctant to discuss the case based on the possibility he would retain his own counsel. (Doc. no. 15.) The Court granted an extension of time, but also noted that because the issue of retained counsel had been in question since the arraignment on March 3, if counsel were to be retained, he must file a notice of appearance as soon as possible and must comply with the extended motions filing deadline of March 27, 2015. (Doc. no. 16, p. 2.)

Retained counsel did not file a notice of appearance until March 27, and despite the Court’s warning regarding compliance with the extended deadline, he filed a motion to again extend the deadline for filing pretrial motions. (Doc. nos. 23, 26.) Along with his motion for an extension of time, retained counsel also filed a motion for a mental examination, contending he needs to “explore the Defendant’s mental condition to determine whether or not an affirmative defense of Insanity should be put forth.” (Doc. no. 27, p. 1.) Although counsel failed to cite any

authority for his request, based on the scope of the language used in the motion, it appears he seeks an examination pursuant to 18 U.S.C. § 4241 to determine whether Defendant may suffer from a mental disease rendering him unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, as well as an examination pursuant to 18 U.S.C. § 4242 to determine the existence/non-existence of insanity at the time of the charged offenses.

This type of testing will require Defendant be placed in a facility to be designated by the United States Bureau of Prisons (“BOP”) to be examined, a placement that will undoubtedly delay the trial in this case. The Court directs the government to file an expedited response to Defendant’s request for a mental examination by no later than Thursday, April 2, 2015.

SO ORDERED this 30th day of March, 2015, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA